

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ASTRAZENECA AB; AKTIEBOLAGET
HÄSSLE; ASTRAZENECA LP; KBI INC.;
and KBI-E INC.,

Plaintiffs and
Counterclaim Defendants

v.

HANMI USA, INC., HANMI
PHARMACTUTIAL CO., LTD., HANMI FINE
CHEMICAL CO., LTD, and HANMI
HOLDINGS CO., LTD.,

Defendants and
Counterclaim-Plaintiffs.

Civil Action No. 3:11-cv-00760-JAP-TJB

District Judge Joel A. Pisano
Magistrate Judge Tonianne J. Bongiovanni

**DECLARATION OF JOSHUA I. ROTHMAN IN SUPPORT OF
ASTRAZENECA'S MOTION FOR PARTIAL RECONSIDERATION OF THE
COURT'S CLAIM CONSTRUCTION**

I, Joshua I. Rothman, of full age, hereby certify as follows:

1. I am an attorney at law of the State of New York and am admitted *pro hac vice* to this Court for the limited purpose of appearing in this action. I am a Partner at the law firm of Fitzpatrick, Cella, Harper, & Scinto, 1290 Avenue of the Americas, New York, New York 10104, co-counsel for Plaintiffs-Counterclaim-Defendants AstraZeneca AB, Aktiebolaget Hässle, AstraZeneca LP, KBI Inc., and KBI-E Inc. (collectively, "AstraZeneca") in this case.

2. I make this Declaration on my personal knowledge in support of AstraZeneca's Motion for Partial Reconsideration of the Court's Claim Construction.

3. Attached as Exhibit A is a true and correct copy of an excerpt from the prosecution file history of U.S. Patent No. 5,714,504 ("the '504 patent"). Exhibit A is a true and

correct copy of original claim 1 submitted to the United States Patent and Trademark Office (“PTO”) during prosecution of the ’504 patent.

4. Attached as Exhibit B is a true and correct copy of another excerpt from the ’504 patent prosecution file history. Exhibit B is a true and correct copy of an Examiner Interview Summary Record from the ’504 patent prosecution file history.

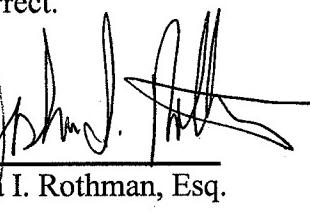
5. Attached as Exhibit C is a true and correct copy of another excerpt from the ’504 patent prosecution file history. Exhibit C is a true and correct copy of amended claim 36, which issued as ’504 patent claim 1, submitted to the PTO on February 18, 1997 during prosecution of the ’504 patent.

6. Attached as Exhibit D is a true and correct copy of another excerpt from the ’504 patent prosecution file history, with relevant portions highlighted. Exhibit D is a true and correct copy of the Declaration of Andersson submitted to the PTO during prosecution of the ’504 patent.

7. Attached as Exhibit E is a true and correct copy of another excerpt from the ’504 patent prosecution file history, with relevant portions highlighted. Exhibit E is a true and correct copy of Remarks in support of Amended Claims submitted to the PTO on February 18, 1997 during prosecution of the ’504 patent.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 21, 2012



Joshua I. Rothman, Esq.